

and condemnation of 51 cans of apricot pulp, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Manuel Caragol & Sons, New York, N. Y., on or about December 29, 1922, and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Marca Registrade Apricot Pulp Product of Spain Lopez Hermanos Malaga Spain Net Weight 10 Lbs. Importe P. D. Espagne."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in large part of a filthy, decomposed, and putrid vegetable substance.

On March 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11499. Misbranding of cottonseed oil. U. S. v. 25 Cases of Cottonseed Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17436. I. S. No. 1567-v. S. No. E-4340.)

On March 29, 1923, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of cottonseed oil, remaining unsold in the original unbroken containers at Providence, R. I., alleging that the article had been shipped by the Cooknut Corp., from Baltimore, Md., on or about February 17, 1923, and transported from the State of Maryland into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Salol Choice Winter Pressed Cotton Seed Oil * * * The Cooknut Corporation Baltimore, Md. U. S. A.;" (case) "10/1 Gallon Cans."

Examination of the article by the Bureau of Chemistry of this department showed that the cans contained less than 1 gallon of the said article.

Misbranding of the article was alleged in the libel for the reason that the case label bore a statement regarding the said article or the ingredients and substances contained therein, to wit, "10/1 Gallon Cans," which was false and misleading and deceived and misled the purchaser in that the said cans contained less than 1 gallon of the said article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 15, 1923, the Cooknut Corp., Baltimore, Md., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11500. Adulteration and misbranding of gelatin and Rico marshmallow powder. U. S. v. W. K. Jahn Co., a Corporation. Plea of guilty. Fine, \$500. (F. & D. No. 9361. I. S. Nos. 2134-m, 4892-m, 8812-m, 11400-m, 11999-m, 12175-m, 12235-m, 12236-m, 12701-m, 12703-m, 21388-m, 28856-k, 8802-p, 8803-p, 8805-p, 8901-p, 9409-p, 16009-p, 16713-p.)

On December 31, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. K. Jahn Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, between the dates of December 29, 1916, and July 3, 1917, from the State of Illinois, in various consignments, namely, into the States of Pennsylvania, Ohio, Missouri, Maryland, Nebraska, California, Oregon, and Georgia, respectively, of quantities of gelatin, a portion of which was adulterated and the remainder of which was adulterated and misbranded, and on or about December 20, 1916, from the State of Illinois into the State of Washington, of a quantity of Rico marshmallow powder which was adulterated and misbranded. A portion of the said gelatin was labeled in part, "Gelatine;" the remainder was invoiced as gelatin. The Rico marshmallow powder was labeled in part: "Rico Guaranteed Pure White * * * Made Of Absolutely Pure Albumen * * * Absolutely Pure Guaranteed to Pass All Pure Food Laws throughout the

United States. Manufactured And Guaranteed By The W. K. Jahn Co.
* * * New York * * * Chicago."

Analyses of samples of the so-called gelatin by the Bureau of Chemistry of this department showed that the greater portion of the article consisted in whole or in large part of glue and contained excessive quantities of zinc or zinc and formaldehyde or copper and zinc or arsenic, copper, and zinc, as the case might be. Analysis of the remainder of the so-called gelatin by said bureau showed that it was gelatin containing zinc or copper and zinc or arsenic, copper, and zinc, as the case might be. Analysis of the Rico marshmallow powder by said bureau showed that it consisted of sugar and egg albumen with a small amount of gelatin present and contained an excessive amount of zinc.

Adulteration was alleged with respect to the greater portion of the so-called gelatin for the reason that a substance, to wit, glue, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for gelatin, which the said article purported to be. Adulteration was alleged with respect to all of the so-called gelatin for the reason that a portion thereof contained an added poisonous and deleterious ingredient, to wit, zinc, and respective portions of the remainder contained added poisonous and deleterious ingredients, to wit, zinc and formaldehyde or copper and zinc or arsenic, copper, and zinc, as the case might be, which rendered the said article injurious to health.

Misbranding was alleged with respect to the greater portion of the so-called gelatin for the reason that the statement, to wit, "Gelatine," borne on the barrels containing the said portion of the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of gelatin, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted exclusively of gelatin, whereas, in fact and in truth, it did not so consist but the said portion of the article consisted in part of glue and contained added poisonous and deleterious substances, to wit, zinc or zinc and formaldehyde or copper and zinc or arsenic, copper, and zinc, as the case might be. Misbranding was alleged with respect to the greater portion of the said gelatin for the reason that it was sold under the distinctive name of another article, to wit, gelatin.

Adulteration of the said Rico marshmallow powder was alleged in the information for the reason that it contained an added poisonous and deleterious ingredient, to wit, zinc, which rendered the said article injurious to health.

Misbranding of the said Rico marshmallow powder was alleged for the reason that the statements, to wit, "Made Of Absolutely Pure Albumen," "Absolutely Pure," and "Guaranteed to Pass All Pure Food Laws throughout the United States," borne on the labels attached to the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was made of absolutely pure albumen, was absolutely pure, and that it conformed to all the pure food laws of the United States, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made of absolutely pure albumen, was absolutely pure, and that it conformed to all the pure food laws of the United States, whereas, in truth and in fact, it was not made of absolutely pure albumen and was not absolutely pure, but was a product made from powdered gelatin and sugar and did contain an added poisonous and deleterious substance, to wit, zinc, and it did not conform to all the pure food laws of the United States.

On June 8, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

HOWARD M. GORE, *Acting Secretary of Agriculture.*